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13 *Toshiba America, Inc., Toshiba America*
14 *Information Systems, Inc., Toshiba America*
15 *Consumer Products, L.L.C., and*
16 *Toshiba America Electronic Components, Inc.*

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 (SAN FRANCISCO DIVISION)

20 IN RE: CATHODE RAY TUBE (CRT)
21 ANTITRUST LITIGATION

22 Case No. 07-5944 SC
23 MDL No. 1917

24 This Document Relates to:

25 *Best Buy Co., Inc., et al. v. Hitachi, Ltd., et*
26 *al., No. 11-cv-05513;*

27 *CompuCom Systems, Inc. v. Hitachi, Ltd. et*
28 *al., No. 11-cv-06396;*

Costco Wholesale Corporation v. Hitachi,
Ltd., et al., No. 11-cv-06397;

Electrograph Systems, Inc. et al. v. Hitachi,
Ltd. et al., No. 11-cv-01656;

Interbond Corporation of America v.
Hitachi, et al., No. 11-cv-06275;

Office Depot, Inc. v. Hitachi, Ltd., et al.,
No.11-cv-06276;

**DECLARATION OF MATTHEW
FRUTIG IN SUPPORT OF TOSHIBA'S
ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL
PURSUANT TO CIVIL LOCAL
RULES 7-11 AND 79-5(d)**

DECLARATION OF MATTHEW FRUTIG IN SUPPORT OF TOSHIBA'S ADMINISTRATIVE
MOTION TO FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)

Case No. 07-5944 SC

MDL No. 1917

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1 *P.C. Richard & Son Long Island*
2 *Corporation, et al. v. Hitachi, Ltd., et al.,*
3 *No. 12-cv-02648;*
4 *Schultze Agency Services, LLC v. Hitachi,*
5 *Ltd., et al., No. 12-cv-02649;*
6 *Sharp Electronics Corp., et al. v. Hitachi Ltd.,*
7 *et al., No. 13-cv-01173; and*
8 *Tech Data Corporation, et al. v. Hitachi,*
9 *Ltd., et al., No. 13-cv-00157.*

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DECLARATION OF MATTHEW FRUTIG IN SUPPORT OF TOSHIBA'S ADMINISTRATIVE
MOTION TO FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)

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1 I, Matthew Frutig, hereby declare as follows:

2 1. I am an attorney with the law firm of White & Case LLP, counsel for
3 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Information
4 Systems, Inc., Toshiba America Consumer Products, L.L.C., and Toshiba America Electronic
5 Components, Inc. (collectively, the "Toshiba Defendants"). I make this declaration in
6 support of Toshiba's Administrative Motion to File Documents Under Seal Pursuant to Civil
7 Local Rules 7-11 and 79-5(d).

8 2. Except for those matters stated on information and belief, which I believe to be
9 true, I have personal knowledge of the facts set forth herein and, if called upon, could and
10 would competently testify thereto under oath.

11 3. On June 18, 2008, the Court approved a Stipulated Protective Order (Dkt. No.
12 306) in this matter.

13 4. The Toshiba Defendants and other parties to this litigation have produced in
14 this action certain documents and information designated as "Highly Confidential" pursuant
15 to the Stipulated Protective Order.

16 5. On August 20, 2015, the Toshiba Defendants filed an administrative motion to
17 seal the following materials pursuant to Civil Local Rules 7-11 and 79-5(d):

- 18 a. Redacted portions of and exhibits to Exhibit A to the Declaration of Dana
19 E. Foster in Support of Toshiba's Objections to Special Master's
20 Recommended Order Dated August 6, 2015 Re Direct Action Plaintiffs'
21 Motion to Compel Toshiba to Authenticate Documents ("Foster
22 Declaration"), which is the IPPs' and DAPs' October 29, 2014 letter to
23 Special Master Walker, that attaches, quotes from, and describes
24 information contained in TSB-CRT-00041870 and TAEC-CRT-00089968,
25 documents designated, respectively, by Toshiba Corp. and Toshiba
26 America Electronic Components, Inc. ("TAEC") as "Highly Confidential"
27 under the Stipulated Protective Order;

- b. Redacted portions of Exhibit B to the Foster Declaration, which is the Toshiba Defendants' November 14, 2014 response to the IPPs' and DAPs' October 29, 2014 letter, that describes information contained in TSB-CRT-00041870 and TAEC-CRT-00089968, documents designated, respectively, by Toshiba Corp. and TAEC as "Highly Confidential" under the Stipulated Protective Order; and
- c. Redacted portions of Exhibit C to the Foster Declaration, which is the IPPs' and DAPs' November 21, 2014 reply to Toshiba's November 14, 2014 letter, that quotes from and describes information contained in TSB-CRT-00041870 and TAEC-CRT-00089968, documents designated, respectively, by Toshiba Corp. and TAEC as "Highly Confidential" under the Stipulated Protective Order.

6. The documents listed in paragraph 5 contain confidential, non-public information about the Toshiba Defendants' sales practices, business and supply agreements, and competitive positions. They describe relationships with companies — including customers and vendors — that remain important to the Toshiba Defendants' competitive positions. Upon information and belief, publicly disclosing this sensitive information presents a risk of undermining the Toshiba Defendants' relationships, would cause harm with respect to the Toshiba Defendants' competitors and customers, and would put the Toshiba Defendants at a competitive disadvantage.

7. Pursuant to Civil Local Rules 7-11 and 79-5(d), this Court's General Order No. 62, Electronic Filing of Documents Under Seal, effective May 10, 2010, and the Protective Order, the redacted portions of Exhibits A, B, and C to the Foster Declaration should be maintained under seal.

1 I declare under penalty of perjury under the laws of the United States of America that
2 the foregoing is true and correct.

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4 Executed this 20th day of August, 2015, in Washington, DC.

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8 Matthew Frutig
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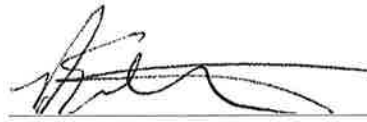
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CERTIFICATE OF SERVICE

On August 20, 2015, I caused a copy of "DECLARATION OF MATTHEW FRUTIG IN SUPPORT OF TOSHIBA'S ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL PURSUANT TO CIVIL LOCAL RULES 7-11 AND 79-5(d)" to be electronically filed via the Court's Electronic Case Filing System, which constitutes service in this action pursuant to the Court's order of September 29, 2008.



Dana E. Foster

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